

Notice of Allowability

Application No.

09/653,997

Examiner

Ramesh B. Patel

Applicant(s)

MARTIN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/22/2004.
2. ☒ The allowed claim(s) is/are 41-92, 115-125, 133-143, 148-160, 162, 165-167 and 175-178.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 2.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ramesh B. Patel
Primary Examiner
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DETAILED ACTION

1. Claims 41-92, 115-125, 133-143, 148-160, 162, 165-167 and 175-178 are allowed.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Harris, Scott C. (Reg. No. 32,030) on 5/26/2004.
3. The application has been amended as follows:
 - I. Claims 1-40 are canceled without prejudice or disclaimer.
 - II. Claims 93-114 are canceled without prejudice or disclaimer.
 - III. Claim 115, line 5, deleted the terms, "lev l" and "ach" and inserted the terms --level-- and --each-- for correcting the spelling error.
 - IV. Claims 126-132 are canceled without prejudice or disclaimer.
 - V. Claims 144-147 are canceled without prejudice or disclaimer.
 - VI. Claims 161 is canceled without prejudice or disclaimer.
 - VII. Claims 163-164 are canceled without prejudice or disclaimer.
 - VIII. Claims 168-174 are canceled without prejudice or disclaimer.
 - IX. Claims 179 is canceled without prejudice or disclaimer.

4. The following is an examiner's statement of reasons for allowance: the prior art of the record fails to teach or fairly suggest in combination with the other elements and features of the claimed invention regarding claims 41-58 and 162, a method which comprising: at least a plurality of said scan lines having levels of effective applied power which change within a single scan line and using a laser to process a material by controlling scan lines of the laser to have a controlled energy density time which depends on said effective applied power level; regarding claims 59-81 and 166, an apparatus which comprising: a computer controlled laser having an output which impinges on a surface to be modified by said laser and which is controlled according to a computer file, said computer controlled laser producing output beam having a controlled effective applied power level of application to the area, according to said computer file, wherein said computer file includes at least a plurality of scan lines in which said effective applied power level changes within a single scan line at least three times to at least three different values; regarding claims 82-92 and 167, an apparatus which comprising: a controllable laser by a computer file to produce an output on a desired area, said laser having a maximum output power which is 500 watts or greater and said computer file storing control information which adjusts a duty cycle of an output of said laser to control an effective applied energy applied to said area to a desired amount and providing said information for a desired energy density per unit time to said controllable laser for said area; regarding claims 115-125, a method comprising: defining a color that is associated with each of a plurality of abrasion levels, selecting a color to associate with each of the plurality of areas to associate level of abrasion with

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each of the plurality of areas and storing a computer the indicative of said selecting; regarding claims 133-134, a method of processing a garment comprising: using said computer file with a laser having a maximum output power of 500 watts or greater to scribe the desired pattern on said garment and using said laser thirty seconds or less to form said entire pattern; regarding claims 135-137, a method of forming pattern on a garment comprising: determining an effect that directional characteristic of the material will have on the pattern to be formed and specifying both said pattern and said directional characteristic; regarding claims 138-143, a method of processing a garment comprising: determining from said color levels, an amount of effective applied energy of laser energy which will need to be applied to said each of said area to replicate said color level and forming a computer file which has a plurality of area representations each area representation associated with a power representation representing said amount of laser power which needs to be applied to each of said areas to replicate said different areas of said first garment; regarding claim 148, a method comprising: controlling a laser to form said pattern by first controlling said laser according to said file to produce an effective output power in said first areas which is greater than zero, but is less than a threshold beyond which a visible change will be made to said textile material and to increase the effective output power at a boundary between said first areas outside said first areas; regarding claims 149-151 and 165, a method comprising: defining a pattern to be formed on a textile material which pattern represents a plurality of sections each section having a separately controllable amount of degree of change, said different degrees of change including at least a plurality of different levels of

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change, randomizing a precise point at which the degree of change actually is bounded between two adjacent levels and forming a computer readable file indicating said pattern and information about said degree of change including the randomized boundary; regarding claims 152-157, a method defining pattern to be formed on a textile material which pattern has different colors representing different degrees of change of said textile material at different locations, said different degrees of change including at least a plurality of different levels of change each different level of change associated with an effective applied energy to be applied to said location and defining a tool which allows a spray of incremental intensity onto the pattern by defining a droplet size and trajectory, determining a location that is hit by a droplet and adjusting a color level of said location based on said hit so that said effective applied energy is adjusted by said hitting; regarding claims 158-160, a method of producing a variable effect to a material comprising: changing an effective applied power from a laser to material by making multiple passes of laser scans along specific segments of the pattern, each of said passes being carried out at constant power, speed and laser distance, but the combination of said multiple scans providing a varied effective applied power at said material and regarding claims 175-178, a method comprising: authoring a special image intended for use in changing the color of textile fabric, which has differently colored areas representing different levels of change of color to said textile fabric and using said image to form a file that controls a laser to carry out said changing of color of said textile fabric.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 703-308-6673. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ramesh B. Patel
Primary Examiner 5/26/04
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